

MAR 05 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO INITIATE
RESCHEDULING PROCEEDINGS TO REMOVE MARIJUANA FROM SCHEDULE
I OF THE FEDERAL CONTROLLED SUBSTANCES ACT BECAUSE
MARIJUANA DOES NOT MEET THE CRITERIA OF A FEDERAL SCHEDULE
I CONTROLLED SUBSTANCE.

1 WHEREAS, the structure of our government allows for the
2 distribution of power between the states and the federal
3 government; and

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5 WHEREAS, a power that remains with the states is the
6 authority to accept the medical use of controlled substances;
7 and

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9 WHEREAS, Congress enacted the federal Controlled Substances
10 Act with the clear intent of allowing for changes in the
11 scheduling of controlled substances based on changes in state
12 medical use; and

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14 WHEREAS, Hawaii lawfully exercised its authority to accept
15 the medical use of marijuana in 2000, when it created the
16 State's medical marijuana program and accepted the medical use
17 of marijuana in treatment; and

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19 WHEREAS, under the federal Controlled Substances Act,
20 scheduling under schedule I requires several findings, one of
21 which is that the drug or controlled substance has no currently
22 accepted medical use in treatment in the United States; and

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24 WHEREAS, marijuana does not satisfy that finding to be
25 scheduled as a schedule I controlled substance, as medical use
26 of marijuana in treatment currently exists and is accepted in
27 the United States, including Hawaii; and

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29 WHEREAS, the Drug Enforcement Administration, the agency
30 that administers the federal regulation of controlled



1 substances, may not deny a State's authority to change the
2 status of a controlled substance that has a currently accepted
3 medical use in treatment; and
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5 WHEREAS, the Drug Enforcement Administration, by enforcing
6 an obsolete regulation that classifies marijuana as a federal
7 schedule I controlled substance and ignoring the currently
8 accepted medical use of marijuana in treatment that exists in
9 the United States, including Hawaii, is preventing Hawaii from
10 creating a state regulated distribution system that complies
11 with federal law; now, therefore,
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13 BE IT RESOLVED by the Senate of the Twenty-eighth
14 Legislature of the State of Hawaii, Regular Session of 2015, the
15 House of Representatives concurring, that the Drug Enforcement
16 Administration is requested to abide by the federal Controlled
17 Substances Act and initiate rescheduling proceedings to remove
18 marijuana from schedule I of the federal Controlled Substances
19 Act because marijuana does not meet the criteria of a federal
20 schedule I controlled substance; and
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22 BE IT FURTHER RESOLVED that the Department of Health is
23 requested to file a formal petition with the Drug Enforcement
24 Administration within thirty days of the adoption of this
25 measure, requesting that marijuana and its intrinsic
26 cannabinoids be removed from federal schedule I and rescheduled
27 based on the State's authority to accept the medical use of
28 marijuana and the currently accepted medical use of marijuana in
29 treatment that exists in the United States, including Hawaii;
30 and
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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Administrator of the
34 Drug Enforcement Administration, Attorney General of the United
35 States, Secretary of Health and Human Services, Governor,
36 Director of Health, Director of Public Safety, and State
37 Attorney General.
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